

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MAR 25 2002

Robert M. March
CLERK

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Case No. 02-272BB

CHARLOTTE THOI

Defendant.

**MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

Proposed Findings

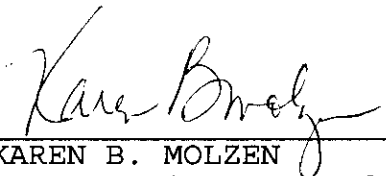
This matter comes before the Court upon the United States' Motion for an Order to Show Cause and Forfeiture of Appearance Bond, filed February 12, 2002. Having held a hearing on this

1. On December 4, 2002, the Defendant and Evonee Tomasa Durham, surety, executed an appearance bond in the amount of \$5,000.00.
2. On February 1, 2002, the Government filed a Petition for action on conditions of pretrial release for Defendant's failure to comply with as directed and a summons was issued for Defendant.
3. On February 8, 2002, the Defendant failed to appear for hearing on the Petition for action on conditions of release.
4. The Court noticed Defendant and Ms. Durham, surety that the Court set a bond forfeiture hearing for March 18, 2002.
5. The Defendant was present at the March 18, 2002 bond forfeiture hearing.
6. Maria Durham, surety, appeared at the February 21, 2002 bond forfeiture hearing.

Recommended Disposition

After a bench conference with Robert Kinney, defense counsel and Mark D'Antonio, assistant U. S. Attorney, I recommend against forfeiture. Defendant has since be placed in custody of the U. S. Marshal's.

Timely objections to the foregoing may be made pursuant to 28 U.S.C. §636(b)(1)(C). Within twenty days after a party is served with a copy of these proposed findings and recommendations that party may, pursuant to §535(b)(1)(C), file written objections to such proposed findings and recommendations. A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommendations, If not objections are filed, no appellate review will be allowed.


KAREN B. MOLZEN
U. S. Magistrate Judge